

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

DRAYTON D. BERKLEY D/B/A
BERKLEY LAW FIRM PLLC
PLAINTIFF

NO. 2:17-cv-02909-SHM-dkv

VERSUS

JOSEPH WILLIAMS
DEFENDANT

**MOTION FOR AN EXTENSION OF TIME TO SERVE PROCESS
UPON THE DEFENDANT**

COMES NOW THE PLAINTIFF and pursuant to Rule 6 and moves the Court for an extension of time to respond to serve process upon the Defendant and would show this Court the following:

1. On December 16, 2017, Plaintiff filed suit in this case. [DE 1].
2. On December 18, 2017, the Court issued process. [DE 6].
3. Plaintiff attempted to serve Defendant by certified mail return receipt on December 18, 2017. A copy of envelope containing the service papers marked “unclaimed” is attached as Exhibit 1.
4. The attempt to serve Defendant by certified mail return receipt was unsuccessful. Exhibit 1.
5. Thereafter, Plaintiff transmitted the service of process papers to the Tarrant County, Texas constable for in-person service.
6. On March 19, 2018, Sergeant Gonzalez of the Tarrant County, Texas

Constable's office advised that he attempted to serve process on Defendant on March 2, 2018 but the residence was vacant and had a realtor's lock on the door. Gonzalez also advised that he attempted to make a second attempt to serve process and had left his card at the residence. Gonzalez advised that no one had contacted him and he is in the process of running a skip trace for Williams.

7. In light of the approaching 90-day time limit for service of process, the Plaintiff urges the Court to find that Plaintiff is entitled to a good-faith extension of the time to serve process in this matter.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully urges the Court to extend the Plaintiff's time to serve process upon the Defendant 90 days or June 17, 2018.

Respectfully Submitted,

/s/ DRAYTON D. BERKLEY

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